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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,510	10/12/2000	John J. Gabrick	MINMAT.P02	1134

7590 01/16/2004
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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 01/16/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

File

Office Action Summary

Application No.

09/687,510

Applicant(s)

GABRICK ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are pending in this application.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrell et al. (US. Patent No. US.2002/00116727 A1).

Regarding on claims 1 and 12, Harrell teaches method and system for web based development and exploitation of IP, the system comprising:

- a. attracting a plurality of innovators, each having at least one innovation (market place server) (col. 2, lines 54-55);

b. attracting at least one developer, the developer having stated requirements and verifiable resources for development of Intellectual Property (developers) (col. 2, lines 1-10);

c. registering innovation data related to an innovation in a database on a storage medium connected to an information network (hard disk 26, may contain one or more searchable databases that store profile information for the innovators, developers and innovations) (col. 2, lines 40-42);

d. registering developer data related to the developer's stated requirements and verifiable resources for development of Intellectual Property in a database on a storage medium connected to the information network (col. 2, lines 40-42);

e. making innovation data available to a to a developer and developer data available to at least one innovator (col. 7, lines 39-62).

Regarding on claim 2, Harrell teaches the database is operably stored for random retrieval on a storage medium (col. 2, lines 40-45).

Regarding on claims 3 and 15-16, Harrell teaches updates and changes to innovation related data are also stored in the innovation database (col. 5, lines 47-57).

Regarding on claims 4 and 13, Harrell teaches the match module is adapted to match one or more innovations with one or more developers (col. 7, lines 10-27).

Regarding on claim 5, Harrell teaches a tracking module, whereby any status or outcome of any matching activity related to the innovation is made available to a user (col. 2, lines 57-64).

Regarding on claim 6, Harrell teaches any status outcome of matching activity related to the innovation is also operably stored in a tracking database for later retrieval by a user (col. 2, lines 57-64).

Regarding on claims 7 and 8, Harrell teaches status or outcome of matching activity is fed for storage to the innovation database (col. 2, lines 57-64).

Regarding on claim 8, Harrell teaches the innovation database and the tracking database are interoperably connected for data sharing (col. 2, lines 60-63).

Regarding on claim 9, Harrell teaches at least one module resides on a computing device (col. 2, lines 11-15).

Regarding on claim 10, Harrell teaches at least one different module resides on a different computing device, and the two computing devices are interconnected for data communication over an information network (col. 2, lines 5-10).

Regarding on claim 11, Harrell teaches the information network is a global information network (Internet, a local network, or a wide area network) (col. 2, lines 8-10).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Art Unit: 2172

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II


2121 Crystal Drive

Arlington, VA 22202

Fourth Floor (Receptionist).

Baoquoc N. To

January 6, 2004


JEAN M. CORRIELUS
PRIMARY EXAMINER